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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re J.S., a Person Coming Under
the Juvenile Court Law.

B291193
(Los Angeles County
Super. Ct. No. 18CCJP03177)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

T.J.,

Defendant and Appellant.

APPEAL from jurisdictional orders of the Superior Court of
Los Angeles County, Rashida A. Adams, Judge. Dismissed as
moot.

Brian Bitker, under appointment by the Court of Appeal,
for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Assistant County Counsel, and Sally Son, Deputy County
Counsel, for Plaintiff and Respondent.

I. INTRODUCTION

T.J., the mother of child J.S., appeals from the juvenile court's jurisdiction and disposition orders. Because the juvenile court has now terminated its dependency jurisdiction over the child and released her to mother, we conclude the appeal is moot and dismiss.

II. FACTUAL AND PROCEDURAL BACKGROUND

On May 17, 2018, the Department of Children and Family Services (the Department) filed a petition under Welfare and Institutions Code section 300,¹ alleging in count b-1 as follows: mother and her male companion, F.H., had a history of domestic violence,² including engaging in violent altercations in the

¹ All further statutory references are to the Welfare and Institutions Code.

² In addition to the domestic violence incidents with F.H., the Department alleged that mother had engaged in a prior domestic violence incident with her former husband, D.F., in a laundromat that physically involved her older daughter M.F. and resulted in D.F.'s arrest.

presence of the child, who was then six years old.³ On February 17, 2018, F.H. repeatedly struck mother with a closed fist. F.H. also forcibly grabbed a jar from mother's hand causing her fingernail to break and bleed; broke mother's finger; pushed mother; kicked a door into mother; pointed a knife at mother; and swung a broom and cane at mother. In response, mother: brandished a knife; told F.H. she would stab him; swung the knife at F.H. causing a laceration to his head; grabbed his shirt; and scratched his chest and shoulder. Mother and F.H. struggled over the knife. The child intervened and took the knife from F.H. He was arrested for the February 17, 2018, incident and charged with "[i]ntimate [p]artner [v]iolence with [i]njury." The petition charged that the violent conduct in which mother and F.H. engaged endangered the child and mother failed to protect the child from the risk of harm posed by such conduct.

At the May 22, 2018, detention hearing, the juvenile court found that: the child was a person described in section 300; it would be detrimental to the child to not be under the supervision of the Department; there were reasonable services available to prevent detention; and, in light of those services, the release of the child to mother would not be detrimental to the child. The juvenile court ordered the child released to mother's home under the supervision of the Department. The juvenile court also ordered the Department to provide the child and mother with family maintenance services.⁴

³ According to the petition, in August 2012, F.H. struck mother's face with an open hand and broke her thumb.

⁴ On June 15, 2018, the Department filed an amended petition that included count b-2 alleging that mother had mental

At the July 5, 2018, jurisdiction/disposition hearing, the juvenile court admitted the Department's reports into evidence. Mother then made a motion to dismiss the petition under section 350, subdivision (c), arguing that the Department had failed to meet its burden of showing that the child was at risk of harm "due to any inaction or action by . . . mother." Following argument, the juvenile court denied the motion.

Following mother's presentation of evidence and the arguments of counsel, the juvenile court found that the Department had not met its burden of proof as to count b-2, but had met its burden as to count b-1. As to disposition, the court ordered the child released to the home of mother and placed under the supervision of the Department. The court also ordered mother to participate in counseling, mental health services, and to take all prescribed psychotropic medications.

On July 5, 2018, mother appealed from the juvenile court's jurisdiction and disposition orders. On January 25, 2019, after the case was fully briefed, we took judicial notice of the juvenile court's January 3, 2019, order in which the court concluded the conditions that justified the initial assumption of jurisdiction under section 300 no longer existed and were not likely to exist if supervision was withdrawn. The juvenile court terminated jurisdiction and released the child to mother.

On March 1, 2019, we requested letter briefs from the parties addressing whether this appeal was moot as a result of

and emotional problems, including a borderline personality disorder and depression which rendered her unable to care for the child. That count also alleged that mother consistently failed to take her psychotropic medication as prescribed and that her mental and emotional condition endangered the child.

the juvenile court’s January 3, 2019, order. On March 11, 2019, the parties submitted letter briefs on the mootness issue which we address below.

III. DISCUSSION

Mother’s Appeal Is Moot

“An appeal becomes moot when, through no fault of the respondent, the occurrence of an event renders it impossible for the appellate court to grant the appellant effective relief. [Citations.]’ (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054)” (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.) “As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot.” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.) “However, dismissal for mootness in such circumstances is not automatic, but ‘must be decided on a case-by-case basis.’” (*Ibid.*)

“Juvenile dependency appeals raise unique mootness concerns because the parties have multiple opportunities to appeal orders even as the proceedings in the juvenile court proceed. (E.g., *In re James F.* (2008) 42 Cal.4th 901, 915 . . . [unlike proceedings where contested issues involve historical facts, dependency proceedings usually involve ongoing evaluations of parents’ present willingness and ability to provide appropriate care for their children].) [¶] . . . [¶] [T]he critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error.” (*In re N.S.* (2016) 245 Cal.App.4th 53, 59-

60.) “The fact that the dependency action has been dismissed should not preclude review of a significant basis for the assertion of jurisdiction where exercise of that jurisdiction has resulted in orders which continue to adversely affect appellant.” (*In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1548.)

The Department contends that mother’s appeal is moot. In her letter brief, mother agrees that she has obtained the relief she sought, but urges us to address the merits of her jurisdictional challenge because failure to do so would, in effect, affirm the juvenile court’s erroneous detention findings and *could* prejudice mother in future dependency proceedings.

The juvenile court’s order terminating jurisdiction is favorable to mother because it eliminated the Department’s supervision of the family and any further court involvement, the two issues about which mother complained. Thus, it is clear that there is no further relief we could grant mother on this appeal, which is the paramount consideration governing our mootness analysis. Mother’s appeal therefore is moot. (See e.g. *In re N.S.*, *supra*, 245 Cal.App.4th at pp. 62-63 [“We see no reason to review the juvenile court’s jurisdictional findings here on the basis of such speculation or caution. [¶] . . . [¶] [And w]e are unconvinced . . . that any ruling we could issue here would have any practical effect on future dependency proceedings”].)

IV. DISPOSITION

The appeal is dismissed as moot.

KIM, J.

We concur:

BAKER, Acting P. J.

MOOR, J.